

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

KINEE, SHERRIANNE

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

LAW OFFICES OF PATRICK G. GECKLE, LLC, 1500 J.F.K. Blvd., Ste. 1850, Phila. PA 19102 - 215-735-3326

**DEFENDANTS**

PHILADELPHIA POLICE OFFICER THOMAS LICARDELLO

County of Residence of First Listed Defendant Philadelphia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

- |  |  |  |  |   |  |
|--|--|--|--|---|--|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury - Med. Malpractice<br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs.<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other   | <input type="checkbox"/> 422 Appeal 28 USC: 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark   | <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property   | <input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input checked="" type="checkbox"/> 440 Other Civil Rights   | <input type="checkbox"/> 510 Motions to Vacate Sentence<br><b>Habeas Corpus:</b><br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition  | <input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act<br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 463 Habeas Corpus - Alien Detainee<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 |  |

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. §1983

Brief description of cause:

Plaintiff was denied her constitutional and statutory rights.

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 500,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

8/4/2014

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

Patrick G. Geckle, Esquire

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2321 North Hancock Street, Philadelphia, PA 19133

Address of Defendant: Claims Unit, One Parkway Bldg., 1515 Arch Street, 14<sup>th</sup> Floor, Philadelphia, PA 19102-1595

Place of Accident, Incident or Transaction Jasper and Arlene Streets, Philadelphia, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

### ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Patrick G. Geckle, Esquire, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 8/4/2014

Attorney-at-Law

26718

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/4/2014

Attorney-at-Law

26718

Attorney I.D.#

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

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Address of Defendant: Claims Unit, One Parkway Bldg., 1515 Arch Street, 14<sup>th</sup> Floor, Philadelphia, PA 19102-1595

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(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

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Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

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A. Federal Question Cases:

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3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Patrick G. Geckle, Esquire, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 8/4/2014

Attorney-at-Law

26718

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/4/2014

Attorney-at-Law

26718

Attorney I.D.#

**APPENDIX I**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

|                             |   |              |
|-----------------------------|---|--------------|
| SHERRIANNE KINEE            | : | CIVIL ACTION |
|                             | : |              |
| v                           | : |              |
| PHILADELPHIA POLICE OFFICER | : |              |
| THOMAS LICIARDELLO, et al.  | : | NO.          |

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( X )

|                     |                          |                               |
|---------------------|--------------------------|-------------------------------|
| <u>8/4/2014</u>     | <u>Patrick G. Geckle</u> | <u>Sherrianne Kinee</u>       |
| <b>Date</b>         | <b>Attorney-at-law</b>   | <b>Attorney for Plaintiff</b> |
| <u>215-735-3326</u> | <u>215-567-1998</u>      | <u>pgeckle@pgglaw.com</u>     |
| <b>Telephone</b>    | <b>FAX Number</b>        | <b>E-Mail Address</b>         |

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHERRIANNE KINEE  
2321 North Hancock Street  
Philadelphia, PA 19133

vs.

POLICE OFFICER THOMAS LICIADELLO  
BADGE NUMBER 4383  
Individually and as a police officer  
for the City of Philadelphia  
c/o City of Philadelphia Law Department  
Claims Unit, One Parkway Building  
1515 Arch Street, 14th Floor  
Philadelphia, PA 19102-1595

and

POLICE OFFICER JOHN SPEISER  
BADGE NUMBER 7169  
Individually and as a police officer  
for the City of Philadelphia  
c/o City of Philadelphia Law Department  
Claims Unit, One Parkway Building  
1515 Arch Street, 14th Floor  
Philadelphia, PA 19102-1595

and

POLICE OFFICER PERRY BETTS  
BADGE NUMBER 6761  
Individually and as a police officer  
for the City of Philadelphia  
c/o City of Philadelphia Law Department  
Claims Unit, One Parkway Building  
1515 Arch Street, 14th Floor  
Philadelphia, PA 19102-1595

and

POLICE OFFICER MICHAEL SPICER  
BADGE NUMBER 5180  
Individually and as a police officer  
for the City of Philadelphia  
c/o City of Philadelphia Law Department  
Claims Unit, One Parkway Building  
1515 Arch Street, 14th Floor  
Philadelphia, PA 19102-1595

and

POLICE OFFICER SERGEANT GORMAN  
BADGE NUMBER 8821  
Individually and as a police officer  
for the City of Philadelphia  
c/o City of Philadelphia Law Department

Civil Action No.

JURY TRIAL DEMANDED

Claims Unit, One Parkway Building :  
 1515 Arch Street, 14th Floor :  
 Philadelphia, PA 19102-1595 :  
 and :  
 POLICE OFFICER SERGEANT JOSEPH McCLOSKEY: :  
 BADGE NUMBER 331 :  
 Individually and as a police officer :  
 for the City of Philadelphia :  
 c/o City of Philadelphia Law Department :  
 Claims Unit, One Parkway Building :  
 1515 Arch Street, 14th Floor :  
 Philadelphia, PA 19102-1595 :  
 and :  
 POLICE OFFICER JOHN WALKER :  
 BADGE NUMBER PRESENTLY UNKNOWN :  
 Individually and as a police officer :  
 for the City of Philadelphia :  
 c/o City of Philadelphia Law Department :  
 Claims Unit, One Parkway Building :  
 1515 Arch Street, 14th Floor :  
 Philadelphia, PA 19102-1595 :  
 and :  
 POLICE OFFICER JOHN DOES 1 - 25 :  
 BADGE NUMBERS PRESENTLY UNKNOWN :  
 Individually and as a police officer :  
 for the City of Philadelphia :  
 c/o City of Philadelphia Law Department :  
 Claims Unit, One Parkway Building :  
 1515 Arch Street, 14th Floor :  
 Philadelphia, PA 19102-1595 :  
 and :  
 POLICE OFFICER JANE DOES 1 - 25 :  
 BADGE NUMBER PRESENTLY UNKNOWN :  
 Individually and as a police officer :  
 for the City of Philadelphia :  
 c/o City of Philadelphia Law Department :  
 Claims Unit, One Parkway Building :  
 1515 Arch Street, 14th Floor :  
 Philadelphia, PA 19102-1595 :  
 and :  
 CITY OF PHILADELPHIA :  
 c/o City of Philadelphia Law Department :  
 Claims Unit, One Parkway Building :  
 1515 Arch Street, 14th Floor :  
 Philadelphia, PA 19102-1595 : Attorney I.D. # 26718

## **COMPLAINT**

### **Jurisdiction**

1. This action is brought pursuant to 42 U.S.C. § 1983. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343 (1), (3), (4) and the aforementioned statutory provision. Plaintiff further invokes the supplemental jurisdiction of this Court pursuant to 28 U.S.C. § 1367(a) to hear and adjudicate state law claims.

### **Parties**

2. Plaintiff, Sherrienne Kinee, is a resident of the Commonwealth of Pennsylvania and at all times relevant to this action was present in Philadelphia, Pennsylvania.

3. Defendant, City of Philadelphia, is a municipality of the Commonwealth of Pennsylvania and owns, operates, manages, directs and controls the Philadelphia Police Department which employs Defendants, Police Officer Thomas Liciardello, Police Officer John Speiser, Police Officer Perry Betts, Police Officer Michael Spicer, Police Officer Sergeant Gorman, and Police Officer Sergeant Joseph McCloskey.

4. Defendant, Police Officer Thomas Liciardello, Badge Number 4383, is a police officer for the City of Philadelphia Police Department acting under color of state law. He is being sued in his individual and official capacity.

5. Defendant, Police Officer John Speiser, Badge Number 7169, is a police officer for the City of Philadelphia Police Department

acting under color of state law. He is being sued in his individual and official capacity.

6. Defendant, Police Officer Perry Betts, Badge Number 6761, is a police officer for the City of Philadelphia Police Department acting under color of state law. He is being sued in his individual and official capacity.

7. Defendant, Police Officer Michael Spicer, Badge Number 5180, is a police officer for the City of Philadelphia Police Department acting under color of state law. He is being sued in his individual and official capacity.

8. Defendant, Police Officer Sergeant Gorman, Badge Number 8821, is a police officer for the City of Philadelphia Police Department acting under color of state law. He is being sued in his individual and official capacity.

9. Defendant, Police Officer Sergeant Joseph McCloskey, Badge Number 331, is a police officer for the City of Philadelphia Police Department acting under color of state law. He is being sued in his individual and official capacity.

10. Defendant, Police Officer John Walker, is a police officer for the City of Philadelphia Police Department acting under color of state law. He is being sued in his individual and official capacity.

11. Defendants, Police Officers John Does 1 through 25, were at all times relevant hereto employed by the City of Philadelphia



as a police officer for the Philadelphia Police Department acting under color of state law and within the course and scope of their employment with the Philadelphia Police Department. They are being sued in their individual and official capacity.

12. Defendants, Police Officers Jane Does 1 through 25, were at all times relevant hereto employed by the City of Philadelphia as a police officer for the Philadelphia Police Department acting under color of state law and within the course and scope of their employment with the Philadelphia Police Department. They are being sued in their individual and official capacity.

13. At all relevant times, all Defendants were acting in concert and conspiracy and their actions deprived Sherrienne Kinee of his constitutional and statutory rights.

#### **Factual Allegations**

14. On or about December 22, 2010 at or about 2:00 p.m., Plaintiff, Sherrienne Kinee, was walking towards a school located at Jasper and Arlene Streets in the City of Philadelphia to pick up her nephew. Without reasonable suspicion, probable cause, or any other legal justification she was seized by Defendant Police Officers Spicer and Betts. One or both demanded that Plaintiff give them her cell phone.

15. Plaintiff initially refused to give her cell phone to the Defendant officer but she was told by one of the Defendant officers that she matched the description of someone who had stolen a cell

phone. That statement was false and the Defendant officers knew it was false. Further, they advised her that if she did not immediately turn over her cell phone she would be arrested. At that point, Plaintiff turned over her cell phone, and her cell phone was illegally searched. To this day Defendants' have failed and refused to return Plaintiff's cell phone without legal justification.

16. Immediately after Plaintiff turned over her cell phone to the Defendant police officers, she was handcuffed, placed in the back of an SUV by one of the Defendant police officers. She was taken to home in the 2900 block of Ruth Street. At this point, Plaintiff had done nothing in violation of any of the laws of the Commonwealth of Pennsylvania and she was seized by the Defendants without reasonable suspicion, probable cause, or any other legal justification.

17. When the SUV arrived at a home in the 2900 block of Ruth Street, Plaintiff was pulled out of the SUV by Defendant Betts, Spicer, Speiser, Liciardello, Walker and/or Sergeant Gorman.

18. At the point where Plaintiff was placed in handcuffs the Defendant police officers started to verbally abuse her asking "Why is a white girl dealing with these people in this neighborhood." Defendant Liciardello told her that "You must be some kind of nigger lover and you should just kill yourself." Plaintiff asked if she was under arrest and one of the Defendant police officers

laughed at her and stated "Are you stupid."

19. After Plaintiff was taken out of the SUV, she was grabbed with great force by Officer Liciardello and pushed violently almost knocking her to the ground, despite the fact that she was not in anyway resisting Defendant Liciardello or any of the other police officers.

20. Plaintiff was brought into the house located in the 2900 block of Jasper Street where she was confronted by Defendants Spicer, Speiser, Betts, Liciardello and Walker. All of the Defendants began to scream at her demanding to know "Where is the money. You better f\_ \_ \_ing show us where the money is." She was also threatened by the Defendants but if she did not show them where "the money" was they would call DHS and have her daughter taken away from her. Plaintiff, who had committed no crime and had never been arrested before, began to cry and explain that she did not live in that house and had no knowledge or the whereabouts of any money.

21. After several minutes she was grabbed by Defendant Betts and taken to another house across the street, still in handcuffs. Shortly thereafter, Defendants Speiser and Liciardello also came to that house and began to scream at Plaintiff and threatened her demanding to know where the money was. Defendant Liciardello repeatedly called her a "nigger lover." Defendant Betts repeatedly called her a "stupid lying bitch."

22. Plaintiff was taken to the 24th District Police Station where she was charged with manufacturing/delivering/possession with the intent to deliver, a felony, criminal conspiracy, a felony, and possession of a controlled substance. She was later transported to the Police Detention Unit where she was held on \$25,000.00 bail for approximately 48 hours before she was finally released after being able to post bail.

23. The Defendant officers all gave false statements concerning the incident described in this complaint. All Defendant officers prepared and/or caused to be prepared police paperwork misrepresenting the events that lead to the arrest of the Plaintiff for the incident described in this complaint. Those misrepresentations included, but were not limited to:

- a. Plaintiff was observed obtaining narcotics from a blue vehicle and handing them to a young black male who then in turn sold some of the narcotics to Defendant Police Officer Spicer.
- b. Plaintiff was found in a home where narcotics were recovered.

24. The Defendant police officers were aware of exculpatory information about the Plaintiff which they willfully refused to turn over to the District Attorney's Office.

25. The Defendant officers failed to provide exculpatory information known to them to Plaintiff or her criminal counsel via

police paperwork or any other means after her arrest.

26. The exculpatory information known to police that was not provided to the Plaintiff included the real facts and circumstances concerning her arrest.

27. The Defendant officers, in anticipation of the charging of the Plaintiff, willfully misrepresented the events that led to the arrest of the Plaintiff. These misrepresentations were intentional, malicious, in bad faith, recklessly indifferent and deliberately indifferent to the right of the Plaintiff.

28. Plaintiff had to obtain private criminal counsel to represent her and had to expend various sums of money in order to mount a defense against the false and malicious charges.

29. In a letter dated Defendant 3, 2012, the District Attorney of Philadelphia, Seth Williams, announced that in an exercise of "prosecutorial discretion," his office:

- a. would no longer call some or all of the Defendant officers as witnesses in narcotics cases;
- b. would no longer approve narcotics cases for charging in which some and/or all of the Defendant officers were a necessary witness; and
- c. would no longer approve any search or arrest warrants in narcotics cases where some and/or all of the Defendant officers were the affiant.

30. This decision rested on knowledge that some and/or all of

the Defendant officers in this matter had engaged in conduct raising questions about their integrity and law-abidingness while on duty.

31. At the time of this incident, and for some years before, law enforcement at the highest levels knew of integrity, corruption, and civil rights violation issues involving some and/or all of the Defendant officers. Federal agents and federal prosecutors knew. The current Philadelphia Police Commission, his predecessors, and some of his subordinates knew. Former District Attorney Lynn Abraham and some of her subordinates, as well as her successor in office knew. The basis of this knowledge was information from multiple sources including, but not limited to, federal investigations, internal investigations, questions raised by state and federal prosecutors, and other sources.

32. As a result of District Attorney Williams' decision, all charges against Plaintiff were dismissed on December 11, 2012.

33. As a direct and proximate result of the Defendants' actions, Plaintiff, Sherrienne Kinee, was deprived of rights, privileges and immunities under the Fourth, fifth, Sixth, and Fourteenth Amendments to the United States Constitution and, in particular, the right to be free from excessive force, the right to be free from unlawful arrest, the right to be free from unjustified searches, the right to be free from malicious prosecution, and the right to due process of law. Plaintiff was similarly deprived of

the right not to be the victim of conspiracies of state actors to violate the aforementioned clearly established rights.

34. The actions and/or inactions of the Defendants violated the clearly established federal constitutional rights of the Plaintiff to freedom from use of excessive, unreasonable, and unjustified force against their person, the right to be free from malicious prosecution, and the right to due process of law.

35. The actions taken by the Defendants in this matter were taken under color of state law. Those actions are not limited to the aforementioned conduct.

36. As a direct and proximate result of the actions and/or inactions of the Defendants in this matter, Plaintiff has lost employment opportunity, suffered physical pain, loss of liberty, anxiety, fear, mental harm, and other financial loss.

37. As a direct and proximate result of the actions and/or inactions of the Defendants, Plaintiff was and is deprived of rights, privileges and immunities under the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution as well as parallel provisions of the Pennsylvania Constitution and in particular the right to be free from excessive force, the right to be free from unlawful arrest, the right to be free from unjustified searches, the right to be free from malicious prosecution, and the right to due process of law. Plaintiff was similarly deprived of the right not to be victim of conspiracies of state actors to

violate the aforementioned clearly established rights.

38. The actions and/or inactions of the Defendants violated the clearly established federal and state constitutional rights of the Plaintiff to be free from excessive force, the right to be free from unlawful arrest, the right to be free from unjustified searches, the right to be free from malicious prosecution, and the right to due process of law.

**COUNT I**

**42 U.S.C. § 1983 Against Defendant Officers  
Excessive Force**

39. Paragraphs 1 through 38 are incorporated herein by reference as though fully set forth.

40. Plaintiff was damaged and injured as set forth above under 42 U.S.C. § 1983 by Defendant officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More specifically, Defendant Officers intentionally acted to cause a harmful and/or offensive contact with Plaintiff's person and such actions were the actual and proximate cause of Plaintiff's harm.

41. As a result of the above actions, Plaintiff demands judgment against Defendant Officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C.



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**COUNT II**

**Supplemental State Law Claim Against Defendant Officers  
Battery**

42. Paragraphs 1 through 41 are incorporated herein by reference as though fully set forth.

43. Plaintiff was damaged and injured as set forth above by Defendant Officers in that they intentionally acted to cause a harmful and/or offensive contact with Plaintiff's person and such actions were the actual and proximate cause of Plaintiff's harm.

44. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

**COUNT III**

**42 U.S.C. § 1983 Against Defendant Officers  
Assault**

45. Paragraphs 1 through 44 are incorporated herein by reference as though fully set forth.

46. Plaintiff was damaged and injured as set forth above under 42 U.S.C. § 1983 by Defendant officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More

specifically, Defendant officers intentionally placed Plaintiff in reasonable apprehension of imminent harmful and/or offensive bodily contact, and Defendants' actions were the actual and proximate cause of Plaintiff's harm.

47. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

#### **COUNT IV**

##### **Supplemental State Law Claim Against Defendant Officers Assault**

48. Paragraphs 1 through 47 are incorporated herein by reference as though fully set forth.

49. Plaintiff was damaged and injured as set forth above by Defendant Officers in that they intentionally placed Plaintiff in reasonable apprehension of imminent harmful and/or offensive bodily contact, and Defendants' actions were the actual and proximate cause of Plaintiff's harm.

50. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and

just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

**COUNT V**

**42 U.S.C. § 1983 Against Defendant Officers  
Unlawful Arrest**

51. Paragraphs 1 through 50 are incorporated herein by reference as though fully set forth.

52. Plaintiff was damaged and injured as set forth above under 42 U.S.C. § 1983 by Defendant officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More specifically, Defendant officers acted with the intent to arrest Plaintiff unlawfully, without probable cause, and against Plaintiff's will, and such actions were the actual and proximate cause of Plaintiff's confinement.

53. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

**COUNT VI**

**Supplemental State Law Claim Against Defendant Officers  
False Imprisonment**

54. Paragraphs 1 through 53 are incorporated herein by

reference as though fully set forth.

55. Plaintiff was damaged and injured as set forth above by Defendant officers in that they acted with the intent to confine Plaintiff unlawfully and against Plaintiff's will, and such actions were the actual and proximate cause of Plaintiff's harm.

56. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

#### **COUNT VII**

#### **42 U.S.C. § 1983 Against Defendant Officers Unjustified Search**

57. Paragraphs 1 through 56 are incorporated herein by reference as though fully set forth.

58. Plaintiff was damaged and injured as set forth above under 42 U.S.C. § 1983 by Defendant officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More specifically, Defendant officers demanded Plaintiff hand over her cell phone to them to be searched or be arrested. Plaintiff had a reasonable expectation of property without probable cause or a warrant issued at the proper time, or without an exception to the

warrant requirement, and such action was the direct and proximate cause of Plaintiff's harm.

59. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

**COUNT VIII**

**42 U.S.C. § 1983 Against Defendant Officers  
Malicious Prosecution**

60. Paragraphs 1 through 59 are incorporated herein by reference as though fully set forth.

61. Plaintiff was damaged and injured as set forth above under 42 U.S.C. § 1983 by Defendant officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More specifically, Defendant officers seized and arrested Plaintiff, and instituted criminal proceedings against Plaintiff without probable cause and with malice. These proceedings terminated in favor of the Plaintiff. Defendants' conduct was the direct and proximate cause of Plaintiff's harm.

62. As a result of the above actions, Plaintiff demands judgment against Defendant Officers in the amount of all damages,

including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

**COUNT IX**

**Supplemental State Law Claim Against Defendant Officers  
Malicious Prosecution**

63. Paragraphs 1 through 62 are incorporated herein by reference as though fully set forth.

64. Plaintiff was damaged and injured as set forth above by Defendant officers in that they instituted criminal proceedings against Plaintiff without probable cause and with malice and where such proceedings were terminated in favor of the Plaintiff.

65. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

**COUNT X**

**42 U.S.C. § 1983 Against Defendant Officers  
Conspiracy**

66. Paragraphs 1 through 65 are incorporated herein by reference as though fully set forth.

67. Plaintiff was damaged and injured as set forth above under 42 U.S.C. § 1983 by Defendant officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law. More specifically, Defendant officers, acting in concert and conspiracy, committed acts in violation of the Plaintiff's constitutional rights and against the laws of Pennsylvania. The Defendant officers acted in conspiracy to violate the Plaintiff's constitutional rights as stated in the above paragraphs, and made statements among themselves and others in order to conceal their unlawful and unconstitutional conduct. Such actions were the direct and proximate cause of Plaintiff's harm.

68. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

#### **COUNT XI**

##### **Supplemental State Law Against Defendant Officers Conspiracy**

69. Paragraphs 1 through 68 are incorporated herein by reference as though fully set forth.

70. Defendant officers acting in concert and conspiracy,

committed acts in violation of the Plaintiff's constitutional rights and against the laws of Pennsylvania. The Defendant officers made statements among themselves and others in order to conceal their unlawful and unconstitutional conduct.

71. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

#### **COUNT XII**

##### **Supplemental Claim of Intentional Infliction of Emotional Distress Against All Defendant Officers**

72. Paragraphs 1 through 71 are incorporated herein by reference as though fully set forth.

73. Plaintiff was damaged and injured as set forth above by Defendant officers in that they intentionally and/or recklessly caused Plaintiff severe emotional distress by their extreme and outrageous conduct.

74. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C.



§ 1988.

**COUNT XIII**

**Supplemental Claim of Negligent Infliction of  
Emotional Distress Against All Defendant Officers**

75. Paragraphs 1 through 74 are incorporated herein by reference as though fully set forth.

76. Plaintiff was damaged and injured as set forth above by Defendant officers in that they negligently caused Plaintiff severe emotional distress by their extreme and outrageous conduct and where Plaintiff's emotional distress resulted in the manifestation of physical symptoms.

77. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

**COUNT XIV**

**42 U.S.C. § 1983 Against Defendant City of Philadelphia**

78. Paragraphs 1 through 77 are incorporated herein by reference as though fully set forth.

79. Plaintiff was damaged and injured as set forth above under 42 U.S.C. § 1983 by Defendant officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's

constitutional rights while acting under color of law. Prior to July 31, 2012 the City of Philadelphia developed and maintained policies and/or customs exhibiting deliberate indifference to the constitutional rights of persons in the City of Philadelphia, which caused the violation of Plaintiff's rights.

80. It was the policy and/or custom of the City of Philadelphia to cover-up and avoid detection of improper and illegal police activity, including excessive force, unlawful detention, failure to intervene against other officers' illegal conduct, false imprisonment, assault and battery, and infliction of emotional distress.

81. It was the policy and/or custom of the City of Philadelphia to fail sufficiently supervise against, train and/or re-train against, and discipline against illegal police activity, including but not limited to excessive force, unlawful detention, failure to intervene against other officers' illegal conduct, assault and battery, false imprisonment and infliction of emotional distress.

82. There has been a longstanding history, which has been extensively documented since the 1980s, of Philadelphia police officers engaging in rampant illegal conduct in narcotics investigations. A non-exhaustive list of such conduct includes:

- a. In the early 1980s in the "One Squad Scandal," a group of Philadelphia narcotics officers were

convicted of selling drugs that they had stolen from dealers.

- b. During the decade between 1980-1989 a lieutenant and three officers from another drug unit, the "Five Squad," engaged in conduct including the theft of drugs and over \$280,000.00 that resulted in federal convictions for, inter alia racketeering.
- c. In or around February 1995 Philadelphia Police Officer John Baird and five other members of the 39th Police District were federally prosecuted and ultimately sentenced for violating the rights of, and stealing money from, over 40 Philadelphians. These officers planted drugs on innocent individuals, conducted unreported raids and stole from suspects.
- d. In 1997 federal drug convictions were overturned as a result of a 1998 Internal Affairs finding that narcotics Officer John Boucher was a potentially corrupt police officer.
- e. In the last five years numerous narcotics officers--including, as described supra, some and/or all of the Defendant officers in this matter--have engaged in conduct causing them to have been removed from the narcotics assignments. In the last five years, as the result of a series of articles by Philadelphia

Daily News reports known as "Tainted Justice," Philadelphia Police Officers Jeffrey Cujdik, Richard Cujdik, Robert McDonnell, Thomas Tolstoy, Joseph Bologna, and Thomas Deabler have all be assigned to either desk duty or non-narcotics related assignments. Those officers engaged in raids of small convenience shops in Philadelphia in which they disabled surveillance systems to hide their conduct, which included theft of cash and groceries. Jeffrey Cujdik routinely alleged criminal behavior in search warrants involving a confidential informant who subsequently denied having provided information or services on many of the cases in which Cujdik affirmed he had.

83. It was the policy and/or custom of the City of Philadelphia to inadequately supervise and train its police officers, including the Defendant officers, against a code of silence or "blue code" of officers refusing to intervene against or provide truthful information against constitutional violations and other unlawful misconduct committed by their fellow officers.

84. As a result of the above described policies and customs and/or the lack thereof, police officers of the City of Philadelphia, including the Defendant officers, believed that their actions would not be properly monitored by supervisory officers and

that misconduct would not be investigated or sanctioned, but would be tolerated.

85. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

**COUNT XV**

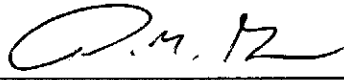
**Supplemental Claim of Negligent Hiring, Retention,  
and Supervision against Defendant City of Philadelphia**

86. Paragraphs 1 through 85 are incorporated herein by reference as though fully set forth.

87. Defendant City of Philadelphia failed to exercise reasonable care in the hiring, retention, and supervision of the Defendant police officers with such failure being the direct and proximate cause of Plaintiff's injuries.

88. As a result of the above actions, Plaintiff demands judgment against Defendant officers in the amount of all damages, including compensatory damages and punitive damages, plus interest, injunctive relief, such other relief as appears reasonable and just, as well as reasonable attorney fees and costs under 42 U.S.C. § 1988.

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